

EHB 2070 - S COMM AMD
By Committee on Judiciary

ADOPTED AND ENGROSSED 4/10/07

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** In *State v. Pillatos*, 150 P.3d 1130 (2007),
4 the Washington supreme court held that the changes made to the
5 sentencing reform act concerning exceptional sentences in chapter 68,
6 Laws of 2005 do not apply to cases where the trials had already begun
7 or guilty pleas had already been entered prior to the effective date of
8 the act on April 15, 2005. The legislature intends that the superior
9 courts shall have the authority to impanel juries to find aggravating
10 circumstances in all cases that come before the courts for trial or
11 sentencing, regardless of the date of the original trial or sentencing.

12 **Sec. 2.** RCW 9.94A.537 and 2005 c 68 s 4 are each amended to read
13 as follows:

14 (1) At any time prior to trial or entry of the guilty plea if
15 substantial rights of the defendant are not prejudiced, the state may
16 give notice that it is seeking a sentence above the standard sentencing
17 range. The notice shall state aggravating circumstances upon which the
18 requested sentence will be based.

19 (2) In any case where an exceptional sentence above the standard
20 range was imposed and where a new sentencing hearing is required, the
21 superior court may impanel a jury to consider any alleged aggravating
22 circumstances listed in RCW 9.94A.535(3), that were relied upon by the
23 superior court in imposing the previous sentence, at the new sentencing
24 hearing.

25 (3) The facts supporting aggravating circumstances shall be proved
26 to a jury beyond a reasonable doubt. The jury's verdict on the
27 aggravating factor must be unanimous, and by special interrogatory. If
28 a jury is waived, proof shall be to the court beyond a reasonable
29 doubt, unless the defendant stipulates to the aggravating facts.

1 (~~(3)~~) (4) Evidence regarding any facts supporting aggravating
2 circumstances under RCW 9.94A.535(3) (a) through (y) shall be presented
3 to the jury during the trial of the alleged crime, unless the jury has
4 been impaneled solely for resentencing, or unless the state alleges the
5 aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i),
6 (o), or (t). If one of these aggravating circumstances is alleged, the
7 trial court may conduct a separate proceeding if the evidence
8 supporting the aggravating fact is not part of the res geste of the
9 charged crime, if the evidence is not otherwise admissible in trial of
10 the charged crime, and if the court finds that the probative value of
11 the evidence to the aggravated fact is substantially outweighed by its
12 prejudicial effect on the jury's ability to determine guilt or
13 innocence for the underlying crime.

14 (~~(4)~~) (5) If the superior court conducts a separate proceeding to
15 determine the existence of aggravating circumstances listed in RCW
16 9.94A.535(3) (e)(iv), (h)(i), (o), or (t), the proceeding shall
17 immediately follow the trial on the underlying conviction, if possible.
18 If any person who served on the jury is unable to continue, the court
19 shall substitute an alternate juror.

20 (~~(5)~~) (6) If the jury finds, unanimously and beyond a reasonable
21 doubt, one or more of the facts alleged by the state in support of an
22 aggravated sentence, the court may sentence the offender pursuant to
23 RCW 9.94A.535 to a term of confinement up to the maximum allowed under
24 RCW 9A.20.021 for the underlying conviction if it finds, considering
25 the purposes of this chapter, that the facts found are substantial and
26 compelling reasons justifying an exceptional sentence.

27 **Sec. 3.** RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c
28 122 s 7, and 2006 c 73 s 5 are each reenacted and amended to read as
29 follows:

30 Unless the context clearly requires otherwise, the definitions in
31 this section apply throughout this chapter.

32 (1) "Board" means the indeterminate sentence review board created
33 under chapter 9.95 RCW.

34 (2) "Collect," or any derivative thereof, "collect and remit," or
35 "collect and deliver," when used with reference to the department,
36 means that the department, either directly or through a collection
37 agreement authorized by RCW 9.94A.760, is responsible for monitoring

1 and enforcing the offender's sentence with regard to the legal
2 financial obligation, receiving payment thereof from the offender, and,
3 consistent with current law, delivering daily the entire payment to the
4 superior court clerk without depositing it in a departmental account.

5 (3) "Commission" means the sentencing guidelines commission.

6 (4) "Community corrections officer" means an employee of the
7 department who is responsible for carrying out specific duties in
8 supervision of sentenced offenders and monitoring of sentence
9 conditions.

10 (5) "Community custody" means that portion of an offender's
11 sentence of confinement in lieu of earned release time or imposed
12 pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670,
13 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the
14 community subject to controls placed on the offender's movement and
15 activities by the department. For offenders placed on community
16 custody for crimes committed on or after July 1, 2000, the department
17 shall assess the offender's risk of reoffense and may establish and
18 modify conditions of community custody, in addition to those imposed by
19 the court, based upon the risk to community safety.

20 (6) "Community custody range" means the minimum and maximum period
21 of community custody included as part of a sentence under RCW
22 9.94A.715, as established by the commission or the legislature under
23 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

24 (7) "Community placement" means that period during which the
25 offender is subject to the conditions of community custody and/or
26 postrelease supervision, which begins either upon completion of the
27 term of confinement (postrelease supervision) or at such time as the
28 offender is transferred to community custody in lieu of earned release.
29 Community placement may consist of entirely community custody, entirely
30 postrelease supervision, or a combination of the two.

31 (8) "Community protection zone" means the area within eight hundred
32 eighty feet of the facilities and grounds of a public or private
33 school.

34 (9) "Community restitution" means compulsory service, without
35 compensation, performed for the benefit of the community by the
36 offender.

37 (10) "Community supervision" means a period of time during which a
38 convicted offender is subject to crime-related prohibitions and other

1 sentence conditions imposed by a court pursuant to this chapter or RCW
2 16.52.200(6) or 46.61.524. Where the court finds that any offender has
3 a chemical dependency that has contributed to his or her offense, the
4 conditions of supervision may, subject to available resources, include
5 treatment. For purposes of the interstate compact for out-of-state
6 supervision of parolees and probationers, RCW 9.95.270, community
7 supervision is the functional equivalent of probation and should be
8 considered the same as probation by other states.

9 (11) "Confinement" means total or partial confinement.

10 (12) "Conviction" means an adjudication of guilt pursuant to Titles
11 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
12 acceptance of a plea of guilty.

13 (13) "Crime-related prohibition" means an order of a court
14 prohibiting conduct that directly relates to the circumstances of the
15 crime for which the offender has been convicted, and shall not be
16 construed to mean orders directing an offender affirmatively to
17 participate in rehabilitative programs or to otherwise perform
18 affirmative conduct. However, affirmative acts necessary to monitor
19 compliance with the order of a court may be required by the department.

20 (14) "Criminal history" means the list of a defendant's prior
21 convictions and juvenile adjudications, whether in this state, in
22 federal court, or elsewhere.

23 (a) The history shall include, where known, for each conviction (i)
24 whether the defendant has been placed on probation and the length and
25 terms thereof; and (ii) whether the defendant has been incarcerated and
26 the length of incarceration.

27 (b) A conviction may be removed from a defendant's criminal history
28 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
29 a similar out-of-state statute, or if the conviction has been vacated
30 pursuant to a governor's pardon.

31 (c) The determination of a defendant's criminal history is distinct
32 from the determination of an offender score. A prior conviction that
33 was not included in an offender score calculated pursuant to a former
34 version of the sentencing reform act remains part of the defendant's
35 criminal history.

36 (15) "Day fine" means a fine imposed by the sentencing court that
37 equals the difference between the offender's net daily income and the

1 reasonable obligations that the offender has for the support of the
2 offender and any dependents.

3 (16) "Day reporting" means a program of enhanced supervision
4 designed to monitor the offender's daily activities and compliance with
5 sentence conditions, and in which the offender is required to report
6 daily to a specific location designated by the department or the
7 sentencing court.

8 (17) "Department" means the department of corrections.

9 (18) "Determinate sentence" means a sentence that states with
10 exactitude the number of actual years, months, or days of total
11 confinement, of partial confinement, of community supervision, the
12 number of actual hours or days of community restitution work, or
13 dollars or terms of a legal financial obligation. The fact that an
14 offender through earned release can reduce the actual period of
15 confinement shall not affect the classification of the sentence as a
16 determinate sentence.

17 (19) "Disposable earnings" means that part of the earnings of an
18 offender remaining after the deduction from those earnings of any
19 amount required by law to be withheld. For the purposes of this
20 definition, "earnings" means compensation paid or payable for personal
21 services, whether denominated as wages, salary, commission, bonuses, or
22 otherwise, and, notwithstanding any other provision of law making the
23 payments exempt from garnishment, attachment, or other process to
24 satisfy a court-ordered legal financial obligation, specifically
25 includes periodic payments pursuant to pension or retirement programs,
26 or insurance policies of any type, but does not include payments made
27 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
28 or Title 74 RCW.

29 (20) "Drug offender sentencing alternative" is a sentencing option
30 available to persons convicted of a felony offense other than a violent
31 offense or a sex offense and who are eligible for the option under RCW
32 9.94A.660.

33 (21) "Drug offense" means:

34 (a) Any felony violation of chapter 69.50 RCW except possession of
35 a controlled substance (RCW 69.50.4013) or forged prescription for a
36 controlled substance (RCW 69.50.403);

37 (b) Any offense defined as a felony under federal law that relates

1 to the possession, manufacture, distribution, or transportation of a
2 controlled substance; or

3 (c) Any out-of-state conviction for an offense that under the laws
4 of this state would be a felony classified as a drug offense under (a)
5 of this subsection.

6 (22) "Earned release" means earned release from confinement as
7 provided in RCW 9.94A.728.

8 (23) "Escape" means:

9 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
10 first degree (RCW 9A.76.110), escape in the second degree (RCW
11 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
12 willful failure to return from work release (RCW 72.65.070), or willful
13 failure to be available for supervision by the department while in
14 community custody (RCW 72.09.310); or

15 (b) Any federal or out-of-state conviction for an offense that
16 under the laws of this state would be a felony classified as an escape
17 under (a) of this subsection.

18 (24) "Felony traffic offense" means:

19 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
20 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
21 run injury-accident (RCW 46.52.020(4)), felony driving while under the
22 influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or
23 felony physical control of a vehicle while under the influence of
24 intoxicating liquor or any drug (RCW 46.61.504(6)); or

25 (b) Any federal or out-of-state conviction for an offense that
26 under the laws of this state would be a felony classified as a felony
27 traffic offense under (a) of this subsection.

28 (25) "Fine" means a specific sum of money ordered by the sentencing
29 court to be paid by the offender to the court over a specific period of
30 time.

31 (26) "First-time offender" means any person who has no prior
32 convictions for a felony and is eligible for the first-time offender
33 waiver under RCW 9.94A.650.

34 (27) "Home detention" means a program of partial confinement
35 available to offenders wherein the offender is confined in a private
36 residence subject to electronic surveillance.

37 (28) "Legal financial obligation" means a sum of money that is
38 ordered by a superior court of the state of Washington for legal

1 financial obligations which may include restitution to the victim,
2 statutorily imposed crime victims' compensation fees as assessed
3 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
4 court-appointed attorneys' fees, and costs of defense, fines, and any
5 other financial obligation that is assessed to the offender as a result
6 of a felony conviction. Upon conviction for vehicular assault while
7 under the influence of intoxicating liquor or any drug, RCW
8 46.61.522(1)(b), or vehicular homicide while under the influence of
9 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
10 obligations may also include payment to a public agency of the expense
11 of an emergency response to the incident resulting in the conviction,
12 subject to RCW 38.52.430.

13 (29) "Most serious offense" means any of the following felonies or
14 a felony attempt to commit any of the following felonies:

15 (a) Any felony defined under any law as a class A felony or
16 criminal solicitation of or criminal conspiracy to commit a class A
17 felony;

18 (b) Assault in the second degree;

19 (c) Assault of a child in the second degree;

20 (d) Child molestation in the second degree;

21 (e) Controlled substance homicide;

22 (f) Extortion in the first degree;

23 (g) Incest when committed against a child under age fourteen;

24 (h) Indecent liberties;

25 (i) Kidnapping in the second degree;

26 (j) Leading organized crime;

27 (k) Manslaughter in the first degree;

28 (l) Manslaughter in the second degree;

29 (m) Promoting prostitution in the first degree;

30 (n) Rape in the third degree;

31 (o) Robbery in the second degree;

32 (p) Sexual exploitation;

33 (q) Vehicular assault, when caused by the operation or driving of
34 a vehicle by a person while under the influence of intoxicating liquor
35 or any drug or by the operation or driving of a vehicle in a reckless
36 manner;

37 (r) Vehicular homicide, when proximately caused by the driving of

1 any vehicle by any person while under the influence of intoxicating
2 liquor or any drug as defined by RCW 46.61.502, or by the operation of
3 any vehicle in a reckless manner;

4 (s) Any other class B felony offense with a finding of sexual
5 motivation;

6 (t) Any other felony with a deadly weapon verdict under RCW
7 9.94A.602;

8 (u) Any felony offense in effect at any time prior to December 2,
9 1993, that is comparable to a most serious offense under this
10 subsection, or any federal or out-of-state conviction for an offense
11 that under the laws of this state would be a felony classified as a
12 most serious offense under this subsection;

13 (v)(i) A prior conviction for indecent liberties under RCW
14 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
15 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
16 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
17 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

18 (ii) A prior conviction for indecent liberties under RCW
19 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
20 if: (A) The crime was committed against a child under the age of
21 fourteen; or (B) the relationship between the victim and perpetrator is
22 included in the definition of indecent liberties under RCW
23 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
24 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
25 through July 27, 1997;

26 (w) Any out-of-state conviction for a felony offense with a finding
27 of sexual motivation if the minimum sentence imposed was ten years or
28 more.

29 (30) "Nonviolent offense" means an offense which is not a violent
30 offense.

31 (31) "Offender" means a person who has committed a felony
32 established by state law and is eighteen years of age or older or is
33 less than eighteen years of age but whose case is under superior court
34 jurisdiction under RCW 13.04.030 or has been transferred by the
35 appropriate juvenile court to a criminal court pursuant to RCW
36 13.40.110. Throughout this chapter, the terms "offender" and
37 "defendant" are used interchangeably.

1 (32) "Partial confinement" means confinement for no more than one
2 year in a facility or institution operated or utilized under contract
3 by the state or any other unit of government, or, if home detention or
4 work crew has been ordered by the court, in an approved residence, for
5 a substantial portion of each day with the balance of the day spent in
6 the community. Partial confinement includes work release, home
7 detention, work crew, and a combination of work crew and home
8 detention.

9 (33) "Persistent offender" is an offender who:

10 (a)(i) Has been convicted in this state of any felony considered a
11 most serious offense; and

12 (ii) Has, before the commission of the offense under (a) of this
13 subsection, been convicted as an offender on at least two separate
14 occasions, whether in this state or elsewhere, of felonies that under
15 the laws of this state would be considered most serious offenses and
16 would be included in the offender score under RCW 9.94A.525; provided
17 that of the two or more previous convictions, at least one conviction
18 must have occurred before the commission of any of the other most
19 serious offenses for which the offender was previously convicted; or

20 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
21 of a child in the first degree, child molestation in the first degree,
22 rape in the second degree, rape of a child in the second degree, or
23 indecent liberties by forcible compulsion; (B) any of the following
24 offenses with a finding of sexual motivation: Murder in the first
25 degree, murder in the second degree, homicide by abuse, kidnapping in
26 the first degree, kidnapping in the second degree, assault in the first
27 degree, assault in the second degree, assault of a child in the first
28 degree, assault of a child in the second degree, or burglary in the
29 first degree; or (C) an attempt to commit any crime listed in this
30 subsection (33)(b)(i); and

31 (ii) Has, before the commission of the offense under (b)(i) of this
32 subsection, been convicted as an offender on at least one occasion,
33 whether in this state or elsewhere, of an offense listed in (b)(i) of
34 this subsection or any federal or out-of-state offense or offense under
35 prior Washington law that is comparable to the offenses listed in
36 (b)(i) of this subsection. A conviction for rape of a child in the
37 first degree constitutes a conviction under (b)(i) of this subsection
38 only when the offender was sixteen years of age or older when the

1 offender committed the offense. A conviction for rape of a child in
2 the second degree constitutes a conviction under (b)(i) of this
3 subsection only when the offender was eighteen years of age or older
4 when the offender committed the offense.

5 (34) "Postrelease supervision" is that portion of an offender's
6 community placement that is not community custody.

7 (35) "Predatory" means: (a) The perpetrator of the crime was a
8 stranger to the victim, as defined in this section; (b) the perpetrator
9 established or promoted a relationship with the victim prior to the
10 offense and the victimization of the victim was a significant reason
11 the perpetrator established or promoted the relationship; or (c) the
12 perpetrator was: (i) A teacher, counselor, volunteer, or other person
13 in authority in any public or private school and the victim was a
14 student of the school under his or her authority or supervision. For
15 purposes of this subsection, "school" does not include home-based
16 instruction as defined in RCW 28A.225.010; (ii) a coach, trainer,
17 volunteer, or other person in authority in any recreational activity
18 and the victim was a participant in the activity under his or her
19 authority or supervision; or (iii) a pastor, elder, volunteer, or other
20 person in authority in any church or religious organization, and the
21 victim was a member or participant of the organization under his or her
22 authority.

23 (36) "Private school" means a school regulated under chapter
24 28A.195 or 28A.205 RCW.

25 (37) "Public school" has the same meaning as in RCW 28A.150.010.

26 (38) "Restitution" means a specific sum of money ordered by the
27 sentencing court to be paid by the offender to the court over a
28 specified period of time as payment of damages. The sum may include
29 both public and private costs.

30 (39) "Risk assessment" means the application of an objective
31 instrument supported by research and adopted by the department for the
32 purpose of assessing an offender's risk of reoffense, taking into
33 consideration the nature of the harm done by the offender, place and
34 circumstances of the offender related to risk, the offender's
35 relationship to any victim, and any information provided to the
36 department by victims. The results of a risk assessment shall not be
37 based on unconfirmed or unconfirmable allegations.

38 (40) "Serious traffic offense" means:

1 (a) Nonfelony driving while under the influence of intoxicating
2 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
3 while under the influence of intoxicating liquor or any drug (RCW
4 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
5 attended vehicle (RCW 46.52.020(5)); or

6 (b) Any federal, out-of-state, county, or municipal conviction for
7 an offense that under the laws of this state would be classified as a
8 serious traffic offense under (a) of this subsection.

9 (41) "Serious violent offense" is a subcategory of violent offense
10 and means:

11 (a)(i) Murder in the first degree;

12 (ii) Homicide by abuse;

13 (iii) Murder in the second degree;

14 (iv) Manslaughter in the first degree;

15 (v) Assault in the first degree;

16 (vi) Kidnapping in the first degree;

17 (vii) Rape in the first degree;

18 (viii) Assault of a child in the first degree; or

19 (ix) An attempt, criminal solicitation, or criminal conspiracy to
20 commit one of these felonies; or

21 (b) Any federal or out-of-state conviction for an offense that
22 under the laws of this state would be a felony classified as a serious
23 violent offense under (a) of this subsection.

24 (42) "Sex offense" means:

25 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
26 RCW 9A.44.130(11);

27 (ii) A violation of RCW 9A.64.020;

28 (iii) A felony that is a violation of chapter 9.68A RCW other than
29 RCW 9.68A.080; or

30 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
31 criminal solicitation, or criminal conspiracy to commit such crimes;

32 (b) Any conviction for a felony offense in effect at any time prior
33 to July 1, 1976, that is comparable to a felony classified as a sex
34 offense in (a) of this subsection;

35 (c) A felony with a finding of sexual motivation under RCW
36 9.94A.835 or 13.40.135; or

37 (d) Any federal or out-of-state conviction for an offense that

1 under the laws of this state would be a felony classified as a sex
2 offense under (a) of this subsection.

3 (43) "Sexual motivation" means that one of the purposes for which
4 the defendant committed the crime was for the purpose of his or her
5 sexual gratification.

6 (44) "Standard sentence range" means the sentencing court's
7 discretionary range in imposing a nonappealable sentence.

8 (45) "Statutory maximum sentence" means the maximum length of time
9 for which an offender may be confined as punishment for a crime as
10 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
11 crime, or other statute defining the maximum penalty for a crime.

12 (46) "Stranger" means that the victim did not know the offender
13 twenty-four hours before the offense.

14 (47) "Total confinement" means confinement inside the physical
15 boundaries of a facility or institution operated or utilized under
16 contract by the state or any other unit of government for twenty-four
17 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

18 (48) "Transition training" means written and verbal instructions
19 and assistance provided by the department to the offender during the
20 two weeks prior to the offender's successful completion of the work
21 ethic camp program. The transition training shall include instructions
22 in the offender's requirements and obligations during the offender's
23 period of community custody.

24 (49) "Victim" means any person who has sustained emotional,
25 psychological, physical, or financial injury to person or property as
26 a direct result of the crime charged.

27 (50) "Violent offense" means:

28 (a) Any of the following felonies:

29 (i) Any felony defined under any law as a class A felony or an
30 attempt to commit a class A felony;

31 (ii) Criminal solicitation of or criminal conspiracy to commit a
32 class A felony;

33 (iii) Manslaughter in the first degree;

34 (iv) Manslaughter in the second degree;

35 (v) Indecent liberties if committed by forcible compulsion;

36 (vi) Kidnapping in the second degree;

37 (vii) Arson in the second degree;

38 (viii) Assault in the second degree;

1 (ix) Assault of a child in the second degree;

2 (x) Extortion in the first degree;

3 (xi) Robbery in the second degree;

4 (xii) Drive-by shooting;

5 (xiii) Vehicular assault, when caused by the operation or driving
6 of a vehicle by a person while under the influence of intoxicating
7 liquor or any drug or by the operation or driving of a vehicle in a
8 reckless manner; and

9 (xiv) Vehicular homicide, when proximately caused by the driving of
10 any vehicle by any person while under the influence of intoxicating
11 liquor or any drug as defined by RCW 46.61.502, or by the operation of
12 any vehicle in a reckless manner;

13 (b) Any conviction for a felony offense in effect at any time prior
14 to July 1, 1976, that is comparable to a felony classified as a violent
15 offense in (a) of this subsection; and

16 (c) Any federal or out-of-state conviction for an offense that
17 under the laws of this state would be a felony classified as a violent
18 offense under (a) or (b) of this subsection.

19 (51) "Work crew" means a program of partial confinement consisting
20 of civic improvement tasks for the benefit of the community that
21 complies with RCW 9.94A.725.

22 (52) "Work ethic camp" means an alternative incarceration program
23 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
24 the cost of corrections by requiring offenders to complete a
25 comprehensive array of real-world job and vocational experiences,
26 character-building work ethics training, life management skills
27 development, substance abuse rehabilitation, counseling, literacy
28 training, and basic adult education.

29 (53) "Work release" means a program of partial confinement
30 available to offenders who are employed or engaged as a student in a
31 regular course of study at school.

32 NEW SECTION. **Sec. 4.** (1) The task force on sentencing of
33 persistent offenders is hereby created for the purpose of conducting a
34 review of the crimes considered a most serious offense. The objectives
35 of the task force are to:

36 (a) Examine existing evidence concerning the types of offenses

1 committed by individuals convicted only of the crimes of assault in the
2 second degree and robbery in the second degree and sentenced to life in
3 prison as a persistent offender;

4 (b) Evaluate whether the inclusion of assault in the second degree
5 and robbery in the second degree as crimes classified as most serious
6 offenses has resulted in disproportionate sentencing of individuals;
7 and

8 (c) Assess the objectives of the three-strikes law and evaluate
9 whether the crimes of assault in the second degree and robbery in the
10 second degree should continue to be classified as most serious
11 offenses.

12 (2) The task force shall be composed of:

13 (a) One member of each of the two largest caucuses of the senate,
14 appointed by the president of the senate;

15 (b) One member of each of the two largest caucuses of the house of
16 representatives, appointed by the speaker of the house of
17 representatives;

18 (c) One police chief appointed by the Washington association of
19 sheriffs and police chiefs;

20 (d) One representative of the Washington association of criminal
21 defense lawyers;

22 (e) One representative of the Washington association of prosecuting
23 attorneys; and

24 (f) One representative of the Washington coalition of crime victim
25 advocates.

26 (3) Legislative members of the task force shall be reimbursed for
27 travel expenses in accordance with RCW 44.04.120. Nonlegislative
28 members, except those representing an employer or organization, are
29 entitled to be reimbursed for travel expenses in accordance with RCW
30 43.03.050 and 43.03.060.

31 (4) The task force shall make a report, together with any
32 recommendations, to the legislature not later than December 31, 2007.

33 NEW SECTION. **Sec. 5.** Section 4 of this act expires June 30, 2008.

34 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately."

EHB 2070 - S COMM AMD
By Committee on Judiciary

ADOPTED AND ENGROSSED 4/10/07

3 On page 1, line 1 of the title, after "sentences;" strike the
4 remainder of the title and insert "amending RCW 9.94A.537; reenacting
5 and amending RCW 9.94A.030; creating new sections; providing an
6 expiration date; and declaring an emergency."

--- END ---